

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AIAI QI,

Plaintiff,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

Case No. 2:23-cv-00377-DAD-JDP (PS)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Defendants filed a motion dismiss, which was previously noticed for hearing on June 15, 2023. ECF No. 5. After plaintiff failed to timely respond to that motion, I continued the hearing on defendants' motion and ordered plaintiff to show cause why sanctions should not be imposed for his failure to comply with the court's local rules. ECF No. 7. I also ordered plaintiff file an opposition or statement of non-opposition to defendants' motion by no later than June 30, 2023. *Id.* In response to that order, plaintiff filed a motion that asked the court to "excuse the delay and accept the late filed Opposition." ECF No. 8 at 2. Because plaintiff had not filed an opposition, I construed plaintiff's filing as a motion for an extension of time. ECF No. 9. I granted that motion and gave plaintiff until June 30, 2023, to file either an opposition or statement of non-opposition to defendants' motion. I also warned plaintiff that failure to comply with that order could result in a recommendation that this action be dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with local rules.

1 The deadline has passed, and plaintiff has not filed an opposition or statement of non-
2 opposition to defendant's motion.

3 Accordingly, it is hereby ORDERED that the July 13, 2023 hearing is vacated.

4 Further, it is RECOMMENDED that:


5 1. This action be dismissed for failure to prosecute, failure to comply with the court's
6 local rules, and failure to comply with court orders.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17 IT IS SO ORDERED.

18
19 Dated: July 12, 2023


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE